

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

**Melissa Jane Collins Cooper v. Kilolo Kijakazi, Acting Commissioner
of Social Security**

Cooper v. Kijakazi · No. 1:22-cv-01140-SKO · Decided March 8, 2023

OPINION

(SS) Cooper v. Commissioner of Social Security

PER CURIAM.

1 Young Cho Attorney at Law: 189870 2 Law Offices of Lawrence D. Rohlfing, Inc., CPC 12631
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10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 13 MELISSA JANE COLLINS COOPER,) Case No.: 1:22-cv-01140-SKO) 14 Plaintiff,)

ORDER GRANTING STIPULATION

) AND UNOPPOSED MOTION FOR

15 vs.) THE AWARD AND PAYMENT OF

) ATTORNEY FEES AND EXPENSES

16 KILOLO KIJAKAZI,) PURSUANT TO THE EQUAL

Acting Commissioner of Social) ACCESS TO JUSTICE ACT, 28 U.S.C. 17 Security,) § 2412(d)

AND COSTS PURSUANT

) TO 28 U.S.C. § 1920

18 Defendant.)) (Doc. 18) 19

20 TO THE HONORABLE SHEILA OBERTO, MAGISTRATE JUDGE OF

21 THE DISTRICT COURT: 22 IT IS HEREBY STIPULATED by and between the parties
through their 23 undersigned counsel, subject to the approval of the Court, that Melissa Jane
Collins 24 Cooper be awarded attorney fees and expenses in the amount of one thousand three 25
hundred dollars (\$1,300.00) under the Equal Access to Justice Act (EAJA), 28 26 U.S.C. §
2412(d), and no costs under 28 U.S.C. § 1920. This amount represents 1 compensation for all
legal services rendered on behalf of Plaintiff by counsel in 2 connection with this civil action, in
accordance with 28 U.S.C. §§ 1920; 2412(d). 3 After the Court issues an order for EAJA fees to
Cooper, the government 4 will consider the matter of Cooper's assignment of EAJA fees to Young
Cho. The 5 retainer agreement containing the assignment is attached as exhibit 1. Pursuant to 6
Astrue v. Ratliff, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment 7 will depend

on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset. Fees shall be made payable to Cooper, but if the Department of the Treasury determines that Cooper does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Law Offices of Lawrence D. Rohlfsing, Inc., CPC, pursuant to the assignment executed by Cooper. Any payments made shall be delivered to Young Cho. This stipulation constitutes a compromise settlement of Melissa Jane Collins Cooper's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Cooper and/or Young Cho including Law Offices of Lawrence D. Rohlfsing, Inc., CPC may have relating to EAJA attorney fees in connection with this action. This award is without prejudice to the rights of Young Cho and/or the Law Offices of Lawrence D. Rohlfsing, Inc., CPC to seek Social Security Act attorney fees. The parties do not stipulate whether counsel for the plaintiff has a cognizable lien under federal law against the recovery of EAJA fees that survives the Treasury fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. DATE: March 7, 2023 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

/s/ Young Cho BY: _____ Young Cho Attorney for plaintiff Melissa Jane Collins Cooper DATE: March 7, 2023 PHILLIP A. TALBERT United States Attorney MATHEW W. PILE

Associate General Counsel Office of Program Litigation, Office Social Security Administration /s/ Mary Tsai

MARY TSAI

Special Assistant United States Attorney Attorneys for Defendant KILOLO KIJAKAZI, Acting Commissioner of Social Security (Per e-mail authorization)

ORDER

Based upon the foregoing Stipulation and Unopposed Motion for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses (Doc. 18), IT IS ORDERED that fees and expenses in the amount of \$1,300.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation and Unopposed Motion. IT IS SO ORDERED. Dated: March 8, 2023 /s/ Sheila K. Oberto . 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26